

VETERANS AFFAIRS, IOWA DEPARTMENT OF[801]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 35A.5(12), the Iowa Department of Veterans Affairs hereby gives Notice of Intended Action to amend Chapter 11, “Injured Veterans Grant Program,” to rescind Chapter 12, “County Grant Program for Veterans,” to amend Chapter 14, “Veterans Trust Fund,” and to adopt new Chapter 17, “Veterans License Fee Fund,” Iowa Administrative Code.

The rules in Chapter 11 describe eligibility for the Injured Veterans Grant Program. These amendments clarify eligibility for additional payments and bring the rules more in line with statute.

The rules in Chapter 12 outline the County Grant Program for Veterans which is now obsolete. A new program is covered in Chapter 7, “County Commissions of Veteran Affairs Fund and Training Program.” The amendment rescinds and reserves Chapter 12.

The rules in Chapter 14 describe eligibility and procedures for the Veterans Trust Fund. These amendments allow the Commission the flexibility to waive income thresholds in certain circumstances.

Proposed new Chapter 17 pertains to the Veterans License Fee Fund.

Any interested person may make written suggestions or comments on these proposed amendments on or before January 17, 2012. Such written materials should be directed to the Executive Director, Iowa Department of Veterans Affairs, Camp Dodge, Bldg. #3663, 7105 NW 70th Avenue, Johnston, Iowa 50131; by telephone (515)242-5331; or by fax (515)242-5659.

The Department of Veterans Affairs does not intend to grant waivers under the provisions of these rules, other than as may be allowed under the Department’s general rules regarding waivers.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code sections 35A.11, 35A.13, 35A.14, and 35A.16.

The following amendments are proposed.

ITEM 1. Amend rule 801—11.1(35A) as follows:

801—11.1(35A) Purpose. ~~The purpose and legislative intent of this program are is to provide immediate financial assistance to an injured a veteran during recovery and rehabilitation from an injury or illness received in the line of duty in a combat zone or in a designated hostile fire zone so that family members of the veteran may be with the veteran during the veteran’s recovery from an injury received in the line of duty in a combat zone or in a zone where the veteran was receiving hazardous duty pay after September 11, 2001.~~

ITEM 2. Amend rule 801—11.2(35A) as follows:

801—11.2(35A) Grant amounts.

11.2(1) Grants will be paid by the Iowa department of veterans affairs in increments of \$2,500 up to a maximum of \$10,000 in the following manner:

- \$2,500 When veteran is medically evacuated from the combat zone following a combat-related injury.
- \$2,500 30 days after evacuation date if still hospitalized, receiving medical treatment or rehabilitation services by the military or Veterans Administration; does not include follow-up appointments.
- \$2,500 60 days after evacuation date if still hospitalized, receiving medical treatment or rehabilitation services by the military or Veterans Administration; does not include follow-up appointments.
- \$2,500 90 days after evacuation date if still hospitalized, receiving medical treatment or rehabilitation services by the military or Veterans Administration; does not include follow-up appointments.

11.2(2) Treatment or services must be provided in a location that is not the veteran's home of record.

ITEM 3. Amend subrule 11.3(2) as follows:

11.3(2) In addition to the requirements set out in subrule 11.3(1), an eligible veteran must meet all of the following conditions:

- a. The veteran must have sustained ~~an~~ a combat-related injury or illness in a combat zone or hostile fire zone; and
- b. The combat-related injury or illness was serious enough to require medical evacuation from the combat zone to a military hospital or the injury or illness required at least 30 consecutive days of hospitalization at a military hospital; and
- c. The combat-related injury or illness was or is considered by the military to have been received in the line of duty, based upon the circumstances known at the time of evacuation; or injury or illness.

ITEM 4. Amend subparagraph **11.4(1)"a"(5)** as follows:

(5) Date on which veteran was medically evacuated from combat theater and verification of combat-related injury.

ITEM 5. Amend subrule 11.4(2) as follows:

11.4(2) Process for present and future injured veterans.

~~a. The department will establish contact with the appropriate level of command or the casualty assistance office of each military service component to develop a combat casualty tracking system. (For example, the adjutant general of Iowa serves as the command authority for providing the department with accurate data to track all combat injured veterans assigned to the Iowa national guard.)~~

~~b. a. When the department receives an official casualty notification from a designated service office that a veteran has been medically evacuated from a combat zone, the department will assign a case manager to serve as a point of contact for the next of kin designated on the veteran's DD93. The case manager will, within 48 hours, confirm Iowa residency of the veteran or, in the case of a nonresident, confirm that the veteran is or was a member of a national guard unit located in this state prior to mobilization and was injured while serving in that national guard unit and is not eligible to receive a similar grant from another state for that injury and provide the department with gather the required data to disburse the first grant payment. The check will be made payable to the veteran and mailed or presented to the veteran or next of kin. The case manager will then maintain weekly contact with the service component and the next of kin to track the treatment progress of the veteran and ensure that subsequent grant payments are disbursed in a timely manner.~~

~~e. b. Grant payments will be stopped if the veteran is returned to duty or when medical or rehabilitative treatment is discontinued.~~

c. If an eligible combat-injured veteran is not medically evacuated, the 30 days of continuous treatment must occur within 12 months of the injury.

ITEM 6. Rescind and reserve **801—Chapter 12.**

ITEM 7. Amend subrule 14.3(1) as follows:

14.3(1) Income. For the purposes of this chapter, an applicant's household income, including VA pension benefits, service-connected disability income, and social security income, shall not exceed 200 percent of the federal poverty guidelines for the number of family members living in the primary residence in effect on the date the application is received by the county director of veterans affairs. Federal poverty guidelines shall be those guidelines established by the Iowa department of human services for the veteran's family size. The commission shall adjust the guidelines on July 1 of each year to reflect the most recent federal poverty guidelines. The commission may waive the income threshold if all income is from a fixed source and all other sources of assistance have been exhausted.

ITEM 8. Amend subrule 14.4(1) as follows:

14.4(1) Travel expenses for wounded veterans, and their spouses, directly related to follow-up medical care. Travel expenses under this subrule include the unreimbursed cost of airfare, lodging, and a per diem of \$25 per day for required out-of-state medical travel that exceeds 125 miles from the veteran's home. Spouses may be reimbursed for in-state lodging and a per diem of \$25 per day when visiting a veteran who is in a hospital for medical care related to a service-connected disability. The distance from the veteran's home to the hospital must exceed 100 miles. The veteran or the veteran's spouse shall provide such evidence as the commission may require, which includes but is not limited to evidence the injury or disability is service-connected, the necessity of treatment in a particular facility, and documentation of expenses. The maximum amount for lodging reimbursement shall be \$90. The maximum amount of aid payable in a consecutive 12-month period under this subrule is \$1,000. The commission may waive the income threshold for this benefit.

ITEM 9. Adopt the following **new** paragraph **14.4(9)"d"**:

d. The commission may waive the income threshold for this benefit.

ITEM 10. Adopt the following **new** 801—Chapter 17:

CHAPTER 17 VETERANS LICENSE FEE FUND

801—17.1(35A) Purpose. These rules establish authorized expenditures from the veterans license fee fund.

801—17.2(35A) Moneys. Moneys in this fund may be used for the administrative expenses related to the business of the Iowa commission of veterans affairs, to include mileage, per diem, conference call capabilities, printing costs for quarterly meetings, and expenses incurred for hearings at the Iowa Veterans Home.

801—17.3(35A) Expenditures. Moneys in this fund may be used for expenditures that have the intent to benefit all Iowa veterans. (Examples include benefit books, educational materials, and research.)

801—17.4(35A) Administration. This fund will be administered by the department.

These rules are intended to implement Iowa Code section 35A.11.